

## § 271.2

character *Smokey Bear* originated by the Forest Service of the United States Department of Agriculture in cooperation with the Association of State Foresters and The Advertising Council, or any facsimile thereof, or the name *Smokey Bear*, or any name or designation sufficiently similar as to suggest the character *Smokey Bear*.

(b) The term *Chief* means the Chief of the Forest Service, United States Department of Agriculture, or person designated to act for him.

(c) The term *Association of State Foresters* means the national organization of State Foresters.

(d) The term *The Advertising Council* is the Advertising Council, Inc., organized under the laws of the State of New York.

## § 271.2 Use of official campaign materials.

Official Cooperative Forest Fire Prevention materials may be used without express approval where such use is solely for the purpose of increasing public information regarding forest fire prevention.

## § 271.3 Public service use.

The Chief may authorize the use of *Smokey Bear* for non-commercial educational purposes, without charge, when such use is essentially as a public service, and will, in his judgment, contribute to public information and education concerning the prevention of forest fires.

## § 271.4 Commercial license.

(a) The Chief may authorize the commercial manufacture, importation, reproduction, or use of *Smokey Bear* upon the following findings:

(1) That the use to which the article or published material involving *Smokey Bear* is to be put shall contribute to public information concerning the prevention of forest fires.

(2) That the proposed use is consistent with the status of *Smokey Bear* as the symbol of forest fire prevention and does not in any way detract from such status.

(3) That a use or royalty charge which is reasonably related to the commercial enterprise has been established.

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(b) Such other conditions shall be included as the Chief deems necessary in particular cases.

## § 271.5 [Reserved]

## § 271.6 Review of licenses.

The Chief will cooperate with the Association of State Foresters and the Advertising Council, and for this purpose may review with these organizations from time to time the nature and status of licenses granted under these regulations in this part.

## § 271.7 Power to revoke.

It is the intention of the regulations in this part that the Chief, in exercising the authorities delegated hereunder, will at all times consider the primary purpose of fostering public information in the prevention of forest fires. All authorities and licenses granted under the regulations in this part shall be subject to abrogation by the Chief at any time he finds that the use involved is injurious to the purpose of forest fire prevention, is offensive to decency or good taste, or for similar reasons in addition to any other limitations and terms contained in the licenses.

## § 271.8 Consultation with Association of State Foresters and the Advertising Council.

These regulations in this part have been issued after consultation with the Association of State Foresters and the Advertising Council.

## PART 272—USE OF “WOODSY OWL” SYMBOL

Sec.

272.1 Definitions.

272.2 Use of official campaign materials.

272.3 Public service use.

272.4 Commercial use.

272.5 [Reserved]

272.6 Power to revoke.

AUTHORITY: 7 U.S.C. 2201 and 16 U.S.C. 528–531.

## § 272.1 Definitions.

(a) The term *Woodsy Owl* means the name and representation of a fanciful owl, who wears slacks (forest green

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when colored), a belt (brown when colored), and a Robin Hood style hat (forest green when colored) with a feather (red when colored), and who furthers the slogan, *Give a Hoot, Don't Pollute*, originated by the Forest Service of the United States Department of Agriculture, or a facsimile or simulation thereof, in such a manner as suggests *Woodsy Owl*.

(b) The term *Chief* means the Chief of the Forest Service, U.S. Department of Agriculture, or person designated to act for him.

[36 FR 23220, Dec. 7, 1971, as amended at 40 FR 12641, Mar. 20, 1975]

### § 272.2 Use of official campaign materials.

Official materials produced for the *Woodsy Owl* campaign may be used without express approval from the Chief of the Forest Service where such use is solely for the purpose of increasing public knowledge about wise use of the environment and programs which foster maintenance and improvement of environmental quality.

[40 FR 12641, Mar. 20, 1975]

### § 272.3 Public service use.

The Chief of the Forest Service may authorize the use of *Woodsy Owl* for noncommercial educational purposes, without charge, when such use is essentially as a public service and will, in his judgment, contribute to public information and education concerning wise use of the environment and programs which foster maintenance and improvement of environmental quality.

[40 FR 12641, Mar. 20, 1975]

### § 272.4 Commercial use.

(a) *General*. The Chief may authorize the Commercial manufacture, importation, reproduction, or use of *Woodsy Owl* upon the following findings:

(1) That the proposed use of *Woodsy Owl* will contribute to public knowledge about wise use of the environment and programs which foster maintenance and improvement of environmental quality.

(2) That the proposed use is consistent with the status of *Woodsy Owl* as a national symbol for a public serv-

ice campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

(3) That a use charge, royalty charge, or payment in kind which is reasonably related to the commercial value has been established.

(4) That the applicant is well qualified to further the goals and purposes of the *Woodsy Owl* campaign.

(5) That, when an exclusive license is requested, no other qualified applicant can be found who will provide comparable campaign support under a non-exclusive license.

(6) That such other conditions as the Chief may deem necessary in each case have been established.

(b) *Requirements for exclusive licenses*. Exclusive licenses when granted, shall conform to the following:

(1) A definite expiration date shall be specified based on the minimum time determined by the Chief to be needed by the licensee to introduce or popularize the item licensed and to recover the costs and expenses incurred in so doing.

(2) The Chief shall retain the independent right to use *Woodsy Owl* in any concurrent, noncommercial program, and to allow for the manufacture and sale of *Woodsy Owl* merchandise which, in his judgment, would not be in conflict with the licensed item.

(3) The licensee shall be required to have the licensed item available for sale, and promotion within a specified period, or show cause why this could not be done.

(4) The licensee shall be required to invest a specified minimum amount of money in the development, production, and promotion of the licensed item, as determined by the Chief to be necessary to insure that the licensee's use of *Woodsy Owl* will result in a substantial contribution to public information concerning pollution abatement and environmental enhancement.

(5) The Chief shall retain the right to revoke any license for failure of the licensee to comply with all the terms and conditions of the license.